

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION**

**FILED**

**AUG 31 2010**

**By PATRICK E. DUFFY, CLERK  
DEPUTY CLERK, MISSOULA**

UNITED STATES OF AMERICA,

Plaintiff,

CR 05-23-BU-DWM

CR 06-3-BU-DWM

vs.

**FINDINGS & RECOMMENDATION  
CONCERNING PLEA**

JOHN FREDERICK JAEGER,

Defendant.

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of conspiracy to distribute methamphetamine (Count I), and one count of distribution of methamphetamine (Count III) as set forth in the Superseding Indictment filed against him in CR 05-23-BU-DWM. In exchange for Defendant's plea, the United States has agreed to dismiss Count II and IV of the Superseding Indictment, and to dismiss the entire Indictment filed against Defendant in CR 06-3-BU-DWM.

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea,
2. That the Defendant is aware of the nature of the charges against him and

consequences of pleading guilty to the charges,

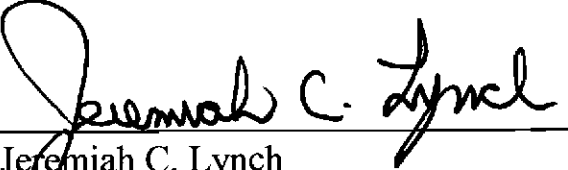
3. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty, and

4. That the pleas of guilty are knowing and voluntary pleas, supported by an independent basis in fact sufficient to prove each of the essential elements of the offenses charged.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of Counts I and III of the Superseding Indictment, and that sentence be imposed. I further recommend that the Court dismiss Count II and IV of the Superseding Indictment, and dismiss the entire Indictment filed against Defendant in CR 06-3-BU-DWM.

**This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.**

DATED this 31st day of August, 2010.

  
Jeremiah C. Lynch  
United States Magistrate Judge